



16638 U.S. PTO

Continuation Docket No.: 2312.69388
Parent Docket No.:

PATENT APPLICATION

22390 10764731
012604



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bruce McKendry
Application No.: 09/876,891
Filed: June 7, 2001
For: APPARATUS FOR EXPRESSING MILK

Art Unit: 3763
Examiner: Maiorino, Roz

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF FILING OF CONTINUING
OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

continuation
 continuation-in-part
 divisional

application for this case

concurrently herewith.

on _____.
Date

SIGNATURE OF ATTORNEY

Patrick G. Burns

type or print name of attorney)

Greer, Burns & Crain, Ltd.

300 S. Wacker Dr. Suite 2500

(address)

Chicago, IL 60606

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

deposited with the United States Postal Service in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8a

37 C.F.R. 1.10

with sufficient postage as "first class" mail. as "Express Mail" Mailing Label No. EV032731324US

Jan. 26, 2004

Date

Signature

Dani I Canan

(type or print name of person certifying)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class: Subclass:

Prior application: **09/876,891**

Examiner: **Maiorino, Roz**

Art Unit: **3763**

REQUEST FOR FILING CONTINUING OR DIVISIONAL APPLICATION

**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

This is a request for filing a

Continuation application,

Divisional application,

under 37 CFR 1.53(b), of pending prior application Serial No. **09/876,891** filed on **June 7, 2001** for
APPARATUS FOR EXPRESSING MILK.

CERTIFICATION UNDER 37 CFR 1.10

I certify that, on the date shown below, these documents are being deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, as "Express Mail Post Office to Addressee," Mailing Label No. EV032731324US.

Date January 26, 2004

Signature Dai Lamer

1. Enclosed is a copy of the prior application, including the oath or declaration as originally filed. The attached application papers are a true copy of prior application Serial No. **09/876,891** as originally filed on **June 7, 2001**, and no amendments referred to in the oath or declaration as originally filed introduced new matter. This statement is made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The copy of the papers of the prior application as filed are as follows:

20 pages of specification including claims and abstract
 5 sheets(s) of drawings
 3 pages of declaration and power of attorney

2. Enclosed is a replacement specification reflecting previously submitted amendments and/or additional formal amendments. No new matter is added by the changes. A copy of the oath or declaration as originally filed is also included.

The new application includes:

_____ pages of specification including claims and abstract
 _____ sheets(s) of drawing
 _____ pages of declaration and power of attorney

3. A statement (Declaration) claiming small entity status was filed in the prior application and small entity status for this application is proper and desired.

4. Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

5. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

| For | No. Filed | No. Extra | Rate | Fee |
|--|-----------|-----------|-------------|----------|
| Basic Fee..... | | | | \$770.00 |
| Total Claims... | 26 - 20 = | 6 | x \$18.00 = | \$108.00 |
| Independent Claims.... | 3 - 3 = | 0 | x \$86.00 = | \$ -0- |
| Total Filing Fee | | | | \$878.00 |
| Statement of Status as Small Entity Reducing Filing Fee By Half To | | | | \$439.00 |

6. A check in the amount \$439.00 is enclosed.

7. The Commissioner is hereby authorized to charge any additional fees which may be required for this application under 37 C.F.R. § 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.

8. A petition and fee for an extension of time has been filed in the pending prior application. A copy of the petition is attached.

9. Amend the specification on page 1 by deleting lines 1 and 2 and inserting the following sentence: **--This is a continuation of application Serial No. 09/876,891 filed June 7, 2001, which is a continuation-in-part of application Serial No. 09/715,990, filed November 17, 2000, which is a continuation-in-part of application Serial No. 09/591,981, filed June 12, 2000.--**

10. Priority of application Serial No(s). ____ filed on ____ is claimed under 35 U.S.C. § 119.

The certified copy(ies) has (have) been filed in prior application Serial No. ^^^^, filed ^^^^.

11. The prior application is assigned of record to: **Whittlestone, Inc., 601 Stone Road, Benicia, CA 94510, Reel 012493, Frame 0684**, which was then assigned to **L. Jason Clute, 2375 Round Hill Drive, Alamo, CA 94507**.

12. The inventors of the invention of the parent application, serial number **09/876,891** are **Bruce McKendry, Wallace Charles Seaman and Sung Lee**.

13. An information disclosure statement is submitted herewith.

14. A preliminary amendment is enclosed herewith.

15. Please delete the name(s) of ^^^^ who is (are) not a (an) inventor(s) of the subject matter of the () continuing () divisional application.

16. The power of attorney in the prior application is to:

**Patrick G. Burns, Reg No. 29,367
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606**

The power appears in the original papers in the prior application.

Address all future communications to:

**Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606**

January 26, 2004



Patrick G. Burns
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Attorney of record

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Continuation/Divisional Application, 4 pages, 16 paragraphs
Revision September 26, 2000
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